



parent applications, copies of which have already been submitted in this application or are submitted herewith. Applicants have also not included a copy of another co-pending application listed on the PTO 1449, which has not been assigned an application number but has the attorney docket number 05725.0808-02000, was filed on August 16, 2004, and is entitled "Compositions Containing Heteropolymers and Oil-soluble Esters and Methods of Using Same." A copy of this application is not enclosed because it is also identical to its parent application, a copy of which has already been submitted in this application.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed substantive office actions from co-pending applications on the attached PTO 1449 and have enclosed copies of the documents as well.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 195 43 988 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
2. **DE 197 07 309 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
3. **DE 197 50 246 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
4. **DE 199 51 010 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
5. **DE 38 39 136 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **DE 38 43 892 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. **DE 42 08 297 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
8. **DE 42 34 886 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
9. **EP 0 169 997 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
10. **EP 0 557 196 A1** - An abstract of the disclosure of this document can be

found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,858,338, which is submitted herewith.

11. **EP 0 609 132 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

12. **EP 0 749 746 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,945,095, which is submitted herewith.

13. **EP 0 749 747 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,851,517, which is submitted herewith.

14. **EP 0 749 748 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

15. **EP 0 775 483 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

16. **EP 0 847 752 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

17. **EP 0 879 592 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

18. **EP 0 887 073 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,203,780 B1, which is submitted herewith.

19. **EP 0 930 058 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
20. **EP 0 930 060 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,254,877 B1, which is submitted herewith.
21. **EP 0 958 811 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
22. **EP 0 959 066 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,165,971, which is submitted herewith.
23. **EP 0 959 091 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0119171 A1, which is submitted herewith.
24. **EP 0 976 390 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2001/0014313 A1, which is submitted herewith.
25. **EP 0 984 025 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,280,846 B1, which is submitted herewith.

26. **EP 1 002 514 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,203,807 B1, which is submitted herewith.
27. **EP 1 031 342 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
28. **EP 1 048 282 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
29. **EP 1 053 742 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
30. **EP 1 064 919 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
31. **EP 1 064 920 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,482,400 B1, which is submitted herewith.
32. **EP 1 066 814 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,491,931, which is submitted herewith.
33. **EP 1 068 854 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,372,235 B1, which is submitted herewith.
34. **EP 1 068 855 A1** - An abstract of the disclosure of this document can be

found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 6,402,408 B1, which is submitted herewith.

35. **EP 1 086 945 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

36. **EP 1 090 627 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

37. **EP 1 114 636 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2001/0031280, which is submitted herewith.

38. **FR 1 529 329** - A certified English translation of this document is submitted herewith.

39. **FR 2 232 303** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to U.S. Patent No. 3,937,811, which is submitted herewith.

40. **FR 2 674 126** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

41. **FR 2 785 179** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

42. **FR 2 796 272** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

43. **FR 2 796 273** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
44. **FR 2 802 806** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
45. **FR 2 804 017** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
46. **FR 2 804 018** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
47. **FR 2 810 562** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
48. **FR 2 811 225** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
49. **FR 2 817 739** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
50. **FR 2 817 740** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
51. **FR 2 817 743** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
52. **FR 2 819 399** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
53. **FR 2 819 400** - An abstract of the disclosure of this document can be found in



the English language Derwent Abstract submitted herewith.

54. **FR 2 819 402** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

55. **JP 04/346909** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

56. **JP 10/120903** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

57. **JP 10/259344** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

58. **JP 11/106216** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

59. **JP 11/335228** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

60. **JP 11/335242** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

61. **JP 11/335254** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

62. **JP 2/127568** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

63. **JP 2/216279** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

64. **JP 2000038314 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
65. **JP 2000038316 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
66. **JP 2000038317 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
67. **JP 2000038321 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
68. **JP 2000086427 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which was submitted in the parent application.
69. **JP 2000086429 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
70. **JP 2000086438 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
71. **JP 3/014683** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
72. **JP 53/043577** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
73. **JP 56/123909** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.

74. **JP 56/166276** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
75. **JP 61/065809** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
76. **JP 7/179795** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
77. **JP 7/267827** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
78. **JP 8/225316** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
79. **JP 9/20631** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
80. **JP 9/295922** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
81. **WO 01/97773 A1** - An English language Abstract of this document can be found on the front of this document.
82. **WO 02/055031 A1** - An English language Abstract of this document can be found on the front of this document.
83. **WO 02/056845 A1** - An English language Abstract of this document can be found on the front of this document.
84. **WO 02/056847 A1** - An English language Abstract of this document can be

found on the front of this document.

85. **WO 02/056848 A1** - An English language Abstract of this document can be found on the front of this document.

86. **WO 02/47605 A2** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0044367 A1, which is submitted herewith.

87. **WO 02/47622 A2** - An English language Abstract of this document can be found on the front of this document.

88. **WO 02/47627 A1** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0026772 A1, which is submitted herewith.

89. **WO 02/47629 A1** - An English language Abstract of this document can be found on the front of this document.

90. **WO 02/47630 A1** - An English language Abstract of this document can be found on the front of this document.

91. **WO 86/04916** - An English language Abstract of this document can be found on the front of this document.

92. **WO 91/12793** - An English language Abstract of this document can be found on the front of this document.

93. **WO 94/21233** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent

No. 5,612,043, which is submitted herewith.

94. **WO 95/15741**- An English language abstract of this foreign language document can be found on the front of this document.

95. **WO 95/33000** - An English language Abstract of this document can be found on the front of this document. This document is believed to be related to U.S. Patent No. 5,747,625, which is submitted herewith.

96. **WO 98/22078** - An English language Abstract of this document can be found on the front of this document.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

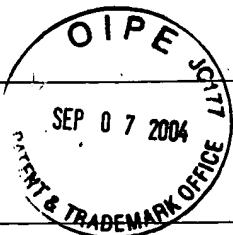
Application No. 09/733,900  
Attorney Docket No. 05725.0595-00

Please charge any fee due in connection with the filing of this Statement to our  
Deposit Account No. 06-0916.

Respectfully submitted,

By:   
\_\_\_\_\_  
Michelle E. O'Brien  
Reg. No. 46,203

Date: September 7, 2004



**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No.: 05725.0595-00000	Application No.: 09/733,900
Applicant: Carlos PINZON et al.	
Filing Date: December 12, 2002	Group 1616

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
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	2,662,068	12/8/1953	Floyd			
	2,663,649	12/22/1953	Winkler			
	2,890,097	6/9/1959	Coe			
	2,962,461	11/29/1960	Toussaint et al.			
	3,141,787	7/21/1964	Goetze et al.			
	3,156,572	11/10/1964	Carlick et al.			
	3,255,082	6/7/1966	Barton			
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	3,615,289	10/26/1971	Felton			
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	3,969,087	7/13/1976	Saito et al.			
	4,049,792	9/20/1977	Elsnau			
	4,051,159	9/27/1977	Tsoucalas et al.			

Examiner	Date Considered:
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,062,819	12/13/1977	Mains et al.			
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	4,137,306	1/30/1979	Rubino et al.			
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Applicant: Carlos PINZON et al.	
Filing Date: December 12, 2002	Group 1616

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	4,937,069	6/26/1990	Shin			
	4,952,245	8/28/1990	Iwano et al.			
	5,034,219	7/23/1991	Deshpande et al.			
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Examiner	Date Considered:
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	5,866,149	2/2/1999	Piot et al.			
	5,871,764	2/16/1999	Diaz et al.			

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Filing Date: December 12, 2002

Group 1616

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Group 1616

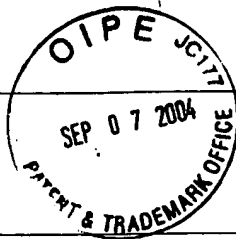
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Atty. Docket No.: 05725.0595-00000

Application No.: 09/733,900

Applicant: Carlos PINZON et al.

Filing Date: December 12, 2002

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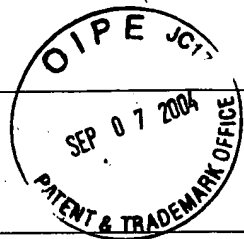
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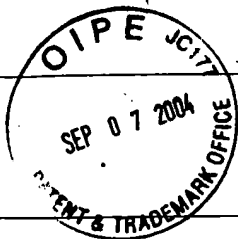
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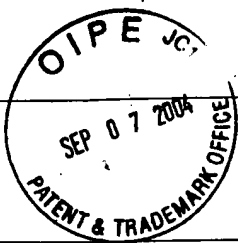
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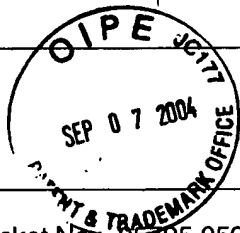
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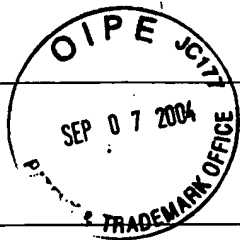

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Applicant: Carlos PINZON et al.	
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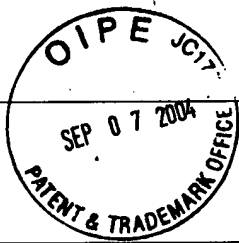
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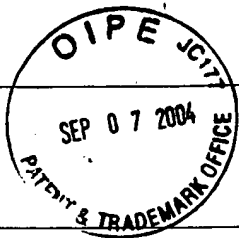
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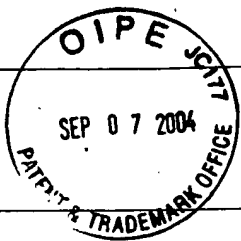
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	Co-Pending Application No. 10/746,612, Attorney Docket No. 5725.1338-01-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: December 22, 2003
	Co-Pending Application No. 10/747,412, Attorney Docket No. 5725.1338-02-000 Title: COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS OF USING THE SAME U.S. Filing Date: December 22, 2003
	Co-Pending Application No. 10/787,440, Attorney Docket No. 5725.0816-02-000 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE U.S. Filing Date: February 27, 2004
	Co-Pending Application No. 10/787,441, Attorney Docket No. 5725.0795-02-000 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME U.S. Filing Date: February 27, 2004
	Co-Pending Application No. Not Yet Assigned; Attorney Docket No. 05725.0808-02 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OILSOLUBLE ESTERS AND METHODS OF USING SAME U.S. Filing Date: August 16, 2004.

Examiner	Date Considered:
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Atty. Docket No.: 05725.0595-00000	Application No.: 09/733,900
Applicant: Carlos PINZON et al.	
Filing Date: December 12, 2002	Group 1616

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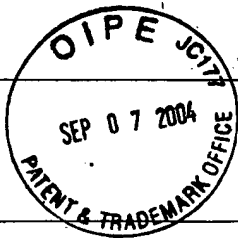
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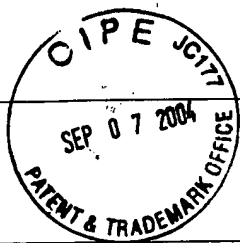
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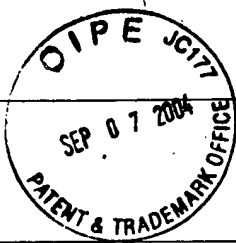
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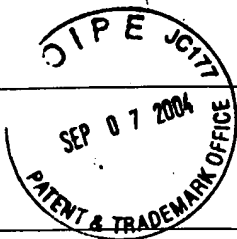
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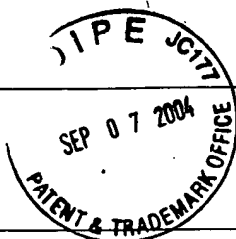
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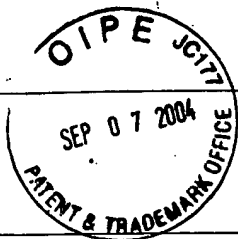
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Group 1616

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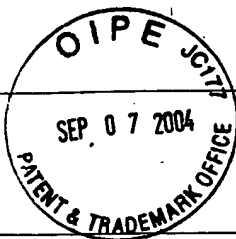
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Examiner	Date Considered:
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